

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS

VS.

CA NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL

FILED
APR - 8 2008
U.S. DISTRICT COURT DISTRICT OF DELAWARE

MOTION TO DENY DEFENDANTS
DAVID MOFFETT - LANCE SABERS
AND ROBERT N. GRAYS MOTION
TO ACCEPT FILINGS AS TIMELY #1

DATE: 3/31/08

Jimmie Lewis
SBI #506622

FILED
APR - 8 2008
PL
U.S. DISTRICT COURT DISTRICT OF DELAWARE

DEL. CORR. CENTER
1181 PADDOCK RD
Smyrna, DE 19971

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- 1.) THE PLAINTIFF FILED MOTION FOR THIS HONORABLE COURT TO ADVANCE IT'S CALENDAR DUE TO DEFENDANTS MOPPETT - SAGERS AND GRAY'S FAILURE TO FILE MOTION FOR SUMMARY JUDGEMENT
- 2.) THE PLAINTIFF DID NOT RECEIVE THE DEFENDANTS MOTION FOR SUMMARY JUDGEMENT UNTIL MARCH 29, 08, WELL AFTER THE MARCH 26, 08 DEADLINE.
- 3.) THE PLAINTIFF FINDS THE DEFENDANTS MOTION FOR SUMMARY JUDGEMENT OFFENSIVE, AND A PRODUCT OF LIBEL AND SLANDER.
- 4.) THE DEFENDANTS STATE THEY ATTEMPTED TO FILE THEIR MOTION FOR SUMMARY JUDGEMENT ON MARCH 26, 08 AT 4:02 PM BUT THE CM / ECF SYSTEM WOULD NOT ACCEPT MOVING DEFENDANTS PAPERS FOR FILING.
- 5.) THE CM / ECF SYSTEM DID NOT MALFUNCTION, DUE TO THE SYSTEM EXCEPTING THE DEFENDANTS FILINGS ON MARCH 27, 08, IN THE MOURNING.

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6.) THIS HONORABLE COURT MAY UTILIZE SAID MOTION FOR SUMMARY JUDGEMENT TO DISMISS THE PLAINTIFFS COMPLAINT AGAINST THE DEFENDANTS, FOR WHICH WOULD PREJUDICE THE PLAINTIFF

7.) APPARENTLY, THE CM/ECF SYSTEM SHUTS OFF AFTER 4:00 PM, THE END OF WHAT IT'S PROGRAMMED TO CONSIDER AN OFFICIAL JUDICIAL WORK DAY.

8.) THE DEFENDANTS FAILED TO ADHERE TO THIS HONORABLE COURTS SCHEDULING ORDER TO SUBMIT ITS MOTION FOR SUMMARY JUDGEMENT ON OR BEFORE MARCH 26, 08.

9.) THE PLAINTIFF HEREBY RESPECTFULLY REQUEST THIS HONORABLE COURT TO DENY THE DEFENDANTS MOTION TO ACCEPT FILINGS AS TIMELY, FOR THE AFOREMENTIONED REASONS, AS WELL AS BECAUSE THE PLAINTIFF WILL BE PREJUDICED DUE TO VIOLATIONS OF HIS 6TH AND 14TH U.S.C.A RIGHTS.

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS
DUE HEREBY CERTIFY ON THIS 31ST, DAY OF MARCH,
2008, THAT I DID MAIL ONE TRUE AND CORRECT
COPY OF MOTION TO DENY DEFENDANTS MOTION
TO ACCEPT FILING AS TIMELY # 1, TO EACH
OF THE FOLLOWING, BY U.S. POSTAL.

CLERK OF THE COURT (GMS)

U.S. DISTRICT COURT
844 N. KING ST, CLOCKBOX 18
WILM, DE 19801

THOMAS P. MC GONIGLE
WILM TRUST CENTER
1100 N. MARKET ST, SUITE 1001
WILM, DE 19801

DATE: 3/31/08

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

I/M Timore Lewis
SBI# 506622 UNIT Shut In A1
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

CLERK OF THE COURT(GMS)

U.S. DISTRICT COURT

844 N. KING ST, LOCKBOX 18
WILMINGTON, DELAWARE

19801

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